IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 549 OF 2007

M/s Pantaloon Retain (India) Ltd. .. Petitioner

V/s

The Grocery Market and Shops
Board for Greater Mumbai & Ors. .. Respondents

Mr.Kiran Bapat i/b Desai & Desai Associates for the Petitioner.

Mr.S. Chinchwadkar with Mr.Rahul Nerlekar for the Respondents.

CORAM : H.L. GOKHALE, ACG. CJ. &
V.M. KANADE, J.

DATE : 20TH FEBRUARY 2007

P.C. :

1. Heard Mr.Bapat for the Petitioner and Mr.Chinchwadkar for the Respondents.

2. The Petitioner is running a shopping mall at Mulund (West). The Petitioner was initially allotted a tolli with some 4 workers. The Respondent Board, which is a statutory Board functioning under the Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969, found that the Petitioner had in fact engaged in larger number of

workers, i.e. 29. That was on site inspection which was done in the presence of the officers of the Petitioner. The Respondent, therefore allotted another tolli of 29 workers to work at the mall of the Petitioner.

3. The Petitioner is a registered employer. The Petitioner has to engage the workers through the 1st Respondent Board. Mr.Bapat, learned counsel for the Petitioner, submits that initially a tolli of some 4 workers was allotted, that there was no work and that they were discontinued and, therefore, how it is possible to say that 29 workers were employed. That is all factual assertion of the Petitioner. The inspector had visited the site and this is a question of word against word wherein we have no reason to disbelieve what the officers of the 1st Respondent Board have done which they claim to have done in the presence of the officers of the Petitioner. No reason to interfere. Petition is dismissed.

ACTING CHIEF JUSTICE

V.M. KANADE, J.